REMARKS

By the above amendment, independent claims 1 and 7 have been amended to recite the additional feature that the buffering/fixing material includes a material having a light shielding property. Applicants note that such feature is described at page 27, lines 21 and 22 of the specification. Furthermore, new dependent claims 15 - 18 have been presented which recite the feature that the distance holding members are non-conductive members and that the distance holding members are formed of glass. Applicants note that, as described at page 6, lines 12 - 15 of the specification, the distance holding members are usually formed of a large number of thin glass plates or the like, which are arranged vertically in a z direction, between the plate-member control electrode 6, such that they form partition walls between the back substrate and the front substrate and, as apparent, the glass plates are non-conductive members.

The rejection of claims 1, 4 - 6 and 13 under 35 U.S.C. 103(a) as being unpatentable over Hattori (US 5,599,749) in view of Ito (US 7,067,171), and the rejection of claims 7, 10 - 12 and 14 under 35 USC 103(a) as being unpatentable over Hattori (US 5,599,749) in view of Ito (US 7,067,171) and Uchiyama (US 6,265,770), such rejections are traversed insofar as they are applicable to the present claims, and reconsideration and withdrawal of the rejections are respectfully requested.

As to the requirement to support a rejection under 35 USC 103, reference is made to the decision of In re Fine, 5 USPQ 2d 1596 (Fed. Cir. 1988), wherein the court pointed out that the PTO has the burden under '103 to establish a prima facie case of obviousness and can satisfy this burden only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill

in the art would lead that individual to combine the relevant teachings of the references. As noted by the court, whether a particular combination might be "obvious to try" is not a legitimate test of patentability and obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching or suggestion supporting the combination. As further noted by the court, one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention.

In applying Hattori to the claimed invention as set forth in independent claims 1 and 7, the Examiner indicates that Hattori discloses the claimed features including distance holding members (middle 70 as shown in Fig. 29) and that a buffering/fixing material is provided between the distance holding member within the display region and at least one of the front substrate and the back substrate. As described in column 21, lines 60 - 67 of Hattori, a spacer 70 serves "for the separation of the transparent conductive film 67 serving as the anode electrode from the emitter 64 by about 0.1 to 5 mm." (emphasis added). Furthermore, as described, glass of a low melting point is used as the adhesive or instead of the glass spacer, adhesives such as epoxy resin containing dispersed glass beads may be used as the spacer. Thus, it is apparent that the glass spacer of Hattori is non-conductive and serves for the physically and electrically separating the anode electrode and the emitter. The Examiner recognizes that "Hattori '749 does not specifically teach that the buffering/fixing material includes conductive particles." (emphasis added). Thus, applicants submit that claims 1 and 7, as previously presented, which recite the feature of the buffering/fixing material including conductive particles therein, which

feature, as recognized by the Examiner, is not disclosed or taught by Hattori, patentably distinguish over Hattori in the sense of 35 USC 103.

Furthermore, as noted above, independent claims 1 and 7 have been amended to recite the feature that the buffering/fixing material also includes material having a light shielding property, and applicants submit that Hattori also fails to disclose or teach such feature, such that independent claims 1 and 7, as amended, patentably distinguish over Hattori in the sense of 35 USC 103, and should be considered allowable thereover.

The Examiner recognizing the deficiency of Hattori with respect to conductive particles, cites Ito as teaching "a display device (Figure 15) in which the use of a buffering/fixing material that is made of an adhesive material mixed with conductive particles (1502; column 20, lines 42 - 46) is used for a distance holding member within the display region (1020; see Figure 15; column 15, lines 41 - 54) in order that the distance holding member be electrically connected with the electron source on the back substrate and the anode on the front (column 20, lines 42 - 46)." (emphasis added). More particularly, Ito describes in column 17, lines 47 - 55 that a "spacer 1020 is a member formed by forming an anti-static high resistance film 1501 on the surface of the spacer substrate 1011 and by forming the low resistance films 403 on contacting surfaces 41 of the spacer facing the inside of the face plate 1017 (such as the metal back 1019) and the surface of the substrate 1011 (the row direction wirings 1013 or the column direction wirings 1014) and on side surfaces 402 that are in contact with the contacting surfaces 401. Furthermore, as described at column 17, lines 60 to 67 of Ito, the "high resistance film 1501 is formed on the surface of the spacer substrate 101 at least on the side exposed to the vacuum in the air tight container and is electrically connected through the low resistance film 403 on the

spacer 1020 and the joint materials 1502 to the inside of the face plate 1017 (such as the metal back 1019) into the surface of the substrate 1011 (the row direction wirings 1013 or the column direction wirings 1014)." (emphasis added). Thus, while Ito et al discloses the utilization of the conductive particles 1502 in accordance with the disclosure of Ito, the conductive particles 1502 are utilized in conjunction with the electrically conductive films of the spacer so as to achieve an electrical connection through the electrically conductive spacer 1020 between the metal back 1019 of the face plate 1017 and the row or column direction wirings 1014 of the surface of the substrate 1011. While the Examiner contends "Thus, it would have been obvious at the time of the invention to one of ordinary skill in the art to incorporate two conductive bonding material of Ito with the bonding material of Hattori '749. Motivation would be make the distance holding member conductive and electrically connect both substrates". (emphasis added). Applicants submit that the Examiner has engaged in a hindsight reconstruction attempt in complete disregard of the disclosure and teachings of Hattori. More particularly, Hattori utilizes a non-conductive spacer and desires to separate electrically conductive portions of the opposing substrates. Accordingly, applicants submit that the Examiner's suggestion is contrary to the disclosure and teachings of Hattori, and represents a hindsight reconstruction attempt utilizing the principle of "obvious to try", which is not the standard of 35 USC 103. See, In re Fine, supra. Accordingly, applicants submit that independent claims 1 and 7, as previously presented, patentably distinguish over the combination of Hattori and Ito in the sense of 35 USC 103.

Additionally, as pointed out above, Hattori fails to provide any disclosure or teaching that the buffering/fixing material includes material having a light shielding property. Applicants submit that Ito also fails to disclose or teach that the

buffering/fixing material with conductive particles, indicated as 1502 in Ito, includes material having a light shielding property, and applicants submit that any suggestion to include the same in Ito would again represent a hindsight reconstruction attempt. Thus, applicants submit that independent claims 1 and 7 and the dependent claims patentably distinguish over the combination of Hattori and Ito in the sense of 35 USC 103, and all claims should be considered allowable thereover.

Applicants note that the Examiner has further utilized Uchiyama in combination with Hattori and Ito contending that Uchiyama teaches the use of buffering/fixing material in a display device that is made of an adhesive material mixed with a highly resilient material. Even assuming arguendo that the material in Uchiyama may contain conductive particles, it is readily apparent that Uchiyama, like the other cited art fails to provide any disclosure or teaching of buffering/fixing material containing conductive particles and a material having a light shielding property, as recited in independent claims 1 and 7 and the dependent claims thereof. Thus, applicants submit that independent claims 1 and 7 and the dependent claims patentably distinguish over Hattori, Ito and Uchiyama taken alone or in any combination thereof in the sense of 35 USC 103, and all claims should be considered allowable thereover.

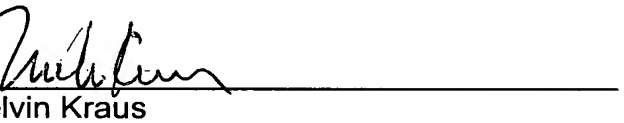
Applicants note that the dependent claims recite additional features of the present invention, which, when considered in conjunction with the parent claims, further recite features not disclosed or taught by the cited art. Accordingly, the dependent claims should be considered allowable with the parent claims.

In view of the above amendments and remarks, applicants submit that all claims present in this application should be in condition for allowance and issuance of an action and favorable nature is courteously solicited.

To the extent necessary, applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (Case: 501.42899X00), and please credit any excess fees to such deposit account.

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP



Melvin Kraus
Registration No. 22,466

MK/at
(703) 312-6600